



Entered on Docket
June 18, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Order Sustaining Second Omnibus
Objection Of USACM Trust To
Proofs Of Claim Based Entirely
Upon Investment In The Gramercy
Court Loan**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

The Court having considered the “Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment In The Gramercy Court Loan” [DE 8044] (the “Objection”); the Court having heard the Objection on June 15, 2010;

1 appropriate notice of the Objection having been given; no response to the Objection
2 having been filed; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8044] is sustained;
- 5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Gramercy Court Loan for the reasons set forth
7 in the objection.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

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11 By /s/ Robert M. Charles, Jr. (#6593)
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.

Attorneys for USACM Liquidating Trust

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Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Gramercy Court, LTD Loan
10725-00630	Donnolo Family Trust Dtd 8/24/88	Joseph & Loretta Donnolo Ttees 3120 Highland Falls Dr Las Vegas, NV 89134-7422	150,000.00	150,000.00
10725-00011-2	Frieda Moon & Sharon C Van Ert JTWRS	2504 Calita Court Las Vegas, NV 89102	51,033.34	51,033.34
10725-00259	Gackebach IRA, David E	C/O Peter Susi Esq, Michaelson Susi & Michaelson 12240 N 128Th Place Scottsdale, AZ 85259 David E. Gackebach IRA c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, CA 93101	150,000.00	150,000.00
10725-01993	Hall Financial Group Ltd & Hall Phoenix Inwood Ltd	C/O Frank J Wright 14755 Preston Rd #600 Dallas, TX 75254	581,000.00	581,000.00
10725-00331	Heyboer, Judy	1150 Hidden Oaks Dr Menlo Park, CA 94025-6043	Unknown	Unknown
10725-00842	Ingrid A Rutherford Family Trust Dtd 7/8/99	Ingrid A Rutherford Ttee Po Box 224, I A R CMR 419 APO AE 09102 Rutherford, Ingrid A. TTEE of the Ingrid A. Rutherford Family Trust Dated 7/8/99 I A R CMR 419 P O Box 224 APO AE 9102	50,198.47	50,198.47
10725-01602	Kenneth H & Phyllis P Wyatt Family Trust	Kenneth & Phyllis Wyatt Ttees PO Box 370400 Las Vegas, NV 89137-0400	108,166.65	108,166.65
10725-00731	Louise G Sherk Md Employee Benefit Plan Trust	C/O Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	50,723.29	50,723.29
10725-01975	Manter, John	1449 Tirol Dr , Incline Village, NV 89451	50,000.00	50,000.00
10725-00402	Nevada Freedom Corp	FTBO Duane U Deverill P.O. Box 4718 Incline Village, NV 89450 Nevada Freedom Corp. PSP DTD 10/1/90 and 9/1/95 FTBO Debra L. Deverill c/o Duane U. Deverill Trustee 774 Mays Blvd., Suite 10 PMB 186 Incline Village, NV 89451-9613	354,947.94	354,947.94